

REMARKS

A related application (Serial No. 10/196,607) has allowed subject matter based on the same prior art. With the above amendments, this application is also in condition to be allowed as it incorporates allowed subject matter of the related application.

SPECIFICATION

The disclosure was objected to, but the objection is not understood. Figure 3 clearly shows that either the random statistical frequency 300 or the event 302 can trigger the hidden bonus feature 200 so either trigger occurs first so that the hidden bonus feature follows. This is clearly presented in the specification at page 10, lines 10-19. However, the specification has been amended to clarify the objection by deleting "shown in Figure 3" in line 1 and adding it after "generator 50" in line 5.

AMENDMENTS TO CLAIMS

Claim 1 has been amended to incorporate dependent claims 13, 14 and 23. Claims 13 and 14, now canceled, claimed the casino game to be a bonus game played with an underlying gaming machine which corresponds to the allowed feature of dependent claim 8 of the related '607 application. Claim 23, now canceled, claimed the provided hidden bonus feature appearing "on a touch screen" and the player response "touching the hidden bonus feature" on the touch screen. Claim 6 has also been canceled. The remaining dependent claims have been amended for proper antecedents. Claims 1-5, 8-12, and 15-16 are in condition for allowance.

In the related '607 application, the feature of a higher expected return for a correct response to the hidden bonus feature was allowable subject matter over the cited art. Claim 1 has been added to claim 7 to make claim 7 independent and allowable over the cited art. Claims 28 and 29 have been amended to have the same limitation.

In the related '607 application, the feature of touching the animated sequence was allowed over the cited art. All of claim 1 has been put into claim 17 (animated sequence feature) making claims 17-19 allowable over the cited art.

AFTER FINAL RESPONSE

The arguments concerning Claypole and Adams in the After Final Response are repeated next.

(a) Claypole:

In the Response to Arguments portion of the Made Final Office Action, attention is directed to paragraph 15. There appears to be a misunderstanding as to the disclosure, under 34 U.S.C. § 102(b) of Claypole. At page 16, lines 4-20 Claypole states:

"This machine also includes a "secret" feature. The machine is programmed to be put into "secret feature" mode whenever any one of a very few specific combination of symbols appears on the reel display. These combinations, and the existence of the "secret feature" mode, are however not indicated on the machine panel at all. When the mode is entered, however, some non-explanatory indicating sign, e.g. a light, appears on the display screen 15. An experienced player will notice this and realise [sic] that something special is happening. In this mode, the machine will respond to an ordered pressing of the hold/nudge buttons 17 by making a bonus award. The amount of the award depends on the order in which the buttons are pressed. Again, even an experienced player may take many games to understand the action required to gain a bonus payout following the indication on the display screen 15."

While Claypole states above that his machine has a "secret" feature, he recognizes that it is only a "so-called" secret (i.e., "This is a so-called "secret" feature ..." See page 6, line 14). Hence, the Claypole "secret" is not secret due to the activation of a separate non-explanatory sign that is not even part of the reel display! This "so-called secret feature" is not secret as Claypole himself states "an experienced player will notice this [i.e., the separate non-explanatory sign] and realise [sic] that something special is happening." This is also true for the present invention in the sense that an experienced player notices the provided hidden feature bonus as well. The difference is that in the claimed game, the hidden features are hidden within the normal flow of the game and have a single touch "discovery" so that players are encouraged to "explore" while playing the game. That is, in the claimed game players explore to find the cue, with a single touch required to win the award. In Claypole, the cue is more apparent (no exploration in finding the cue) but what to do to win the award is unknown. So in this sense, the claimed invention is the opposite of Claypole (we have explore for cue,

no explore for win award once cued; Claypole has no explore for cue, explore for win award once cued). This disclosure of Claypole certainly does not disclose the present invention.

The present invention provides no separate information (other than "providing the hidden bonus feature"), and certainly not a "non-explanatory sign" to the player. Not only is there no disclosure, but the statements by Claypole actually teach away from the present invention. The present invention clearly claims in independent claim 1 that when the hidden bonus feature is provided "not disclosing information on the casino game to the player as to when the hidden bonus feature is provided and how the player is to respond to the hidden bonus feature."

It is suggested that a misunderstanding as to the teachings of Claypole exists. Whenever the Claypole "so-called secret feature" occurs in the reel display, a separate non-explanatory sign appears on the display screen. The fact remains when the Claypole "so-called secret feature" occurs, a non-explanatory sign always appears! Claypole further teaches that a very experienced player would recognize that. This does not occur in the applicant's game as claimed. Claims 25 and 28 have similar language "without warning the player." For this reason alone, the pending claims are patentably distinct over Claypole as this feature is not disclosed in Claypole.

The rejection at page 12, paragraph 15 is again mistaken when it states:

"But even then, the very experienced player would not know what specific player input(s) would be required to earn an award since this is not detailed on the machine panel." (emphasis added)

It is improper to use the word "input(s)" as this is not taught in Claypole. Rather, Claypole only teaches "inputs":

"This is a so-called "secret" feature, in which usually the display screen gives no instructions to the player as to how to obtain an award. The award may be determined by a coded sequence arising from the order of pressing e.g. a set of buttons." (page 6, lines 14-18) (emphasis added)

"In this mode, the machine will respond to an ordered pressing of the hold/nudge button 17 by making a bonus award. The amount of the award depends on the order in which the buttons are pressed." (page 16, lines 13-17) (emphasis added)

Claypole only teaches and emphasizes, "ordered pressing of buttons." Under 102(b) there is no disclosure for a single response as claimed in independent claims 1, 25 and 28. For this reason alone, Claypole is not an anticipatory reference.

(b) Adams:

A reference to Adams is also cited as an anticipatory 102(b) reference. It is maintained under the limitations provided in this response that a mistake has occurred. Claims 25 and 28 each recite three separate steps of providing a hidden bonus feature, receiving a single input, and delivering a bonus award. Adams only teaches randomly providing a supplemental award by means of a ticket (i.e., the third step). The ticket in Adams is generated by a separate "supplemental ticket dispenser 160" above the payout chute 120 (column 2, lines 13-15). This certainly is not a hidden bonus feature as fully claimed in claims 25 and 28 as the player sees the dispenser 160. As shown in Figure 1, the supplemental ticket dispenser 160 is prominently displayed.

With respect to the following statement concerning Adams: "receiving a single input to the provided hidden bonus feature from the player (rate of play) with a predetermined time period after providing the hidden bonus feature" is an incorrect statement concerning the operation of Adams. Adams states that in "another embodiment": supplemental tickets will be dispensed if the gaming device containing the supplemental dispenser is being played at a certain minimum rate of play, e.g., four plays per minute. Thus, the rate of play can be a threshold above which the player must play to qualify for a supplemental ticket, while the actual dispensing of the supplemental ticket will depend upon another criteria, such as a timer, a random number generator, etc. (column 3, lines 7-13). The "rate of play" in Adams is a qualification stage not found in either claim 25 or 28 or even in the entire specification of the present invention. This actually teaches away from claims 25 and 28 since the player knows it must maintain a rate of play to qualify.

Most importantly, it is offered that a mistake has occurred in the understanding of Adams with respect to "receiving a single input from the player to the provided hidden bonus feature." This doesn't appear anywhere in Adams. The supplemental ticket appears in the dispenser 160. Adams has no hidden bonus feature, Adams has no single input from the

player in response to the hidden bonus feature, Adams only discloses delivering a bonus award in the supplemental ticket dispenser. There is no anticipation whatsoever.

With respect to the rejection stating that Adams has a "predetermined time period," this simply is not true. The claimed predetermined time period relates to the single input response from the player occurring within a predetermined time period after displaying the hidden bonus feature. Adams clearly teaches that the "rate of play" must occur for a time determined by a timer. The timer is based upon how long the player maintains the rate of play and is not based upon the claimed invention of providing a single input response to a hidden bonus feature that appears without warning of the present invention. Adams is not an anticipatory or even an obviousness reference.

In each independent claim 1, 25 and 28, amendments have been made to advance prosecution and to narrow the issues should an Appeal be necessary. No new search is required as these features were presented in dependent claims now canceled.

Each independent claim now recites the method to be played in a "casino bonus game" and that the "hidden bonus feature" is provided on "a touch screen to the player in the play of the casino bonus game." Each independent claim further limits the player response to "a single response touch input on the provided hidden bonus feature on the touch screen" These features are not described, disclosed, inferred, suggested or taught by any of the cited references.

CURRENT RESPONSE

Claypole does not anticipate under 35 U.S.C. § 102 the remaining claims 1-5, 7-8, 10-12, 15, 17-22, and 24. Claims 1, 7 and 17 are now independent. Claypole does not disclose play of a casino bonus game or receiving a single touch input on the hidden bonus feature appearing on a touch screen as claimed in claim 1. Claim 7 contains the aforesaid limitations of claim 1 plus the higher expected return for correct player versus incorrect players based on the single response. Claypole has no such disclosure and the award varies on the order of touching Claypole's buttons. Claim 17 contains the aforesaid limitations of claim 1 plus touching the animated sequence. Claypole has no such disclosure. Claypole on page 17, lines 3-4 shows video clips when the machine is NOT being played to attract players (see page 16, lines 24-25). The "animated image" disclosure on page 6, line 22 is not tied into the

"secret feature" of the prior paragraph, but is referring to actual events whether recorded or animated.

Claim 16 is non-obvious over Claypole for the reasons already articulated above whether played over the Internet or not.

Claim 9 is non-obvious over Claypole and Walker ('864) for the reasons already articulated above. There is no teaching, suggestion, or motivation in either reference to combine the teachings. The "motivation" in the rejection is based on hindsight.

Allowance of claims 1-5, 7-12, 15-22, 24-25 and 28-29 are respectfully requested.

Should you have any questions regarding the above, please feel free to give the below-listed attorney a call. If additional fees are required, please debit our Deposit Account No. 04-1414.

Respectfully submitted,

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